

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERMÉS OF PARIS, INC.,

Civil Action No. _____

Petitioner,

Electronically Filed

- against -

MATTHEW SWAIN,

Respondent.

X

**NOTICE OF PETITION TO COMPEL ARBITRATION AND
ENJOIN STATE COURT ACTION**

PLEASE TAKE NOTICE that, upon the Petition to Compel Arbitration and Enjoin the Pending State Court Action, dated August 5, 2016, the accompanying Memorandum of Law in Support of the Petition to Compel Arbitration and Enjoin the Pending State Court Action, dated August 5, 2016, the Declaration of Lawrence R. Sandak in Support of the Petition to Compel Arbitration and Enjoin the State Court Action, dated August 5, 2016, and the exhibits attached thereto, and all other pleadings and proceedings in this action, Petitioner Hermés of Paris, Inc. will petition this Court at the United States Courthouse, 500 Pearl Street, New York, New York, on a date to be determined by the Court, for an order (i) pursuant to 9 U.S.C. § 4 compelling Respondent Matthew Swain to submit to binding arbitration in New York County, New York, the claims asserted in his complaint filed in the Superior Court of New Jersey, County of Essex, Docket No. L-4996-16, as well as any other claims he could have asserted, or can assert; (ii) pursuant to 28 U.S.C. § 2283 and the Court's inherent authority, enjoining the aforescribed New Jersey State court action; and (iii) granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), opposing affidavits and answering memoranda, if any, shall be served within fourteen (14) days after service of this notice.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), reply affidavits and memoranda of law, if any, shall be served within seven (7) days after service of the answering papers.

Dated: Newark, New Jersey
August 5, 2016

PROSKAUER ROSE LLP

/s/ Lawrence R. Sandak
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